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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,745	01/23/2004	David F. MacNeil	301700-000066	7637

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,745	Applicant(s) MACNEIL, DAVID F.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-9, 16, 17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 19 is/are allowed.
- 6) ☒ Claim(s) 2, 4, 8, 9, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The finality of the office action mailed on March 31, 2005 has been withdrawn in view of the new interpretation of the prior art of record.

The amendment filed on May 25, 2005 has been entered.

The indicated allowability of claims 16,17,2,4,8, and 9 has been withdrawn in view of the new interpretation of the prior art of record. Rejections based on the new interpretation of the prior art of record follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16,17,2,4,8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leopold et al. (U.S. Patent No. 1,664,302) in view of Dutt (U.S. Patent No. 4,308,965)

Leopold et al. shows in figures 1-3 a transparent frame (2) having a front, a periphery, an outer side and an inner side for disposal adjacent a license plate (4), a plurality of holes (6), and a rubber gasket (10). The gasket (10) inherently includes a color and is therefore considered to be a "colored gasket". The color of the gasket is visible through the frame (2). Leopold et al. does not disclose placing a channel within the frame (2) and injection molding the gasket into the channel and providing at least one compression rib on the inner surface of the gasket. Dutt shows in figures 1-5 a cover (10), a channel (Dutt shows a plurality of channels which receive

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portions 40 or 54 or 56 or 58), an elastomeric gasket (16 or 20 or 50), and the gasket is injection molded into the channel and is strongly adhered to an inside surface of the channels, see column 4, lines 35-37. Dutt also shows in figures 3 and 4 that the gasket inner surface includes first and second ribs. In view of the teachings of Dutt it would have been obvious to one in the art to modify Leopold et al. by placing at least one channel within the frame and injection molding the gasket into the channel since this would allow the gasket to be attached to the frame in a more secure manner and would allow the frame and gasket to be assembled together in an easier and faster manner, see Dutt, column 6, lines 27-34. In view of the teachings of Dutt it would have been obvious to one in the art to modify Leopold et al. by attaching a rib on the inner surface of the gasket since this would allow the transparent frame to be sealed to the license plate in a better manner. In regard to claim 17, Dutt shows in figures 3 and 4 the use of first and second ribs and in view of the teachings of Dutt it would have been obvious to one in the art to modify Leopold et al. by providing a second rib since this would further improve the seal between the transparent frame and license plate. In regard to claim 4, Dutt shows that the ribs are V-shaped. In regard to claim 8, as broadly defined, Leopold et al. shows in figure 3 that the gasket does not completely cover the flange (3) and therefore a portion of the bottom is considered to be open. In regard to claim 9, the second rib would surround the first rib and would therefore be considered exterior of the first rib.

Response to Arguments

Applicant's arguments with respect to claims 16, 17, 2, and 4 have been considered but are moot in view of the new interpretation of the prior art of record.

Allowable Subject Matter

Claims 7 and 19 are allowed.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
June 3, 2005


BRIAN K. GREEN
PRIMARY EXAMINER